

111TH CONGRESS
1ST SESSION

H. R. 2161

To nullify certain regulations promulgated under the Family and Medical Leave Act of 1993 and restore prior regulations and to direct the Secretary of Labor to revise certain additional regulations under that Act.

IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 2009

Ms. SHEA-PORTER (for herself, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mr. PAYNE, Mr. HARE, Mr. COURTNEY, Mr. BISHOP of New York, Ms. HIRONO, Mr. KUCINICH, Mr. SCOTT of Virginia, Ms. SCHAKOWSKY, Mr. LOEBSACK, Mr. GRIJALVA, Mr. HINOJOSA, Mr. WU, Ms. PINGREE of Maine, Mr. COHEN, Ms. DEGETTE, Ms. MOORE of Wisconsin, Ms. SUTTON, Mrs. MALONEY, Ms. WATERS, Ms. FUDGE, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. CASTOR of Florida) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To nullify certain regulations promulgated under the Family and Medical Leave Act of 1993 and restore prior regulations and to direct the Secretary of Labor to revise certain additional regulations under that Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Family and Medical
3 Leave Restoration Act”.

4 **SEC. 2. NULLIFICATION AND REVISION OF CERTAIN REGU-**
5 **LATIONS UNDER THE FAMILY AND MEDICAL**
6 **LEAVE ACT.**

7 (a) REVISION OF REGULATIONS.—Not later than 180
8 days after the date of enactment of this Act, the Secretary
9 of Labor shall revise regulations promulgated under the
10 Family and Medical Leave Act of 1993 (29 U.S.C. 2611
11 et seq.) and contained in section 825 of title 29, Code of
12 Federal Regulations as follows:

13 (1) Repeal the regulations promulgated on No-
14 vember 17, 2008, and set forth in sections
15 825.205(a)(2), 825.207, 825.215, 825.220(d),
16 825.302, 825.303, 825.307, and 825.312 of title 29,
17 Code of Federal Regulations, and restore the regula-
18 tions to carry out such Act as promulgated on Janu-
19 ary 6, 1996.

20 (2) Revise section 825.308(b) of such title to
21 permit an employer to require recertification of a
22 medical condition no earlier than—

23 (A) the expiration of the length of time in-
24 dicated in the original certification of the med-
25 ical condition; or

1 (B) 1 year after obtaining the original cer-
2 tification for a medical condition, if the original
3 certification indicated that the condition would
4 last longer than 1 year.

5 (3) Revise section 825.115 (a) and (c) to re-
6 move the requirements for a specific number of peri-
7 odic visits for treatment by a health care provider in
8 order to qualify for leave for a serious health condi-
9 tion or chronic condition and to require only the
10 treatment that the health care provider determines
11 proper.

12 (b) REVISION OF MEDICAL CERTIFICATION FORM
13 TEMPLATES.—Not later than 180 days after the date of
14 enactment of this Act, the Secretary of Labor shall, in
15 consultation with health care providers and representa-
16 tives of employers and employees, revise any medical cer-
17 tification form templates made available by the Secretary
18 for the purpose of medical certification under the Family
19 and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.)
20 to permit and facilitate health care providers to make the
21 determination of whether a medical condition qualifies as
22 a serious health condition for purposes of that Act.

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